

FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES LINN WRIGHT,

Defendant.

FELONY INFORMATION

Vio. Count 1: 18 U.S.C. § 1347 (Health
Care Fraud)

Case: 2:18-cr-00372

Assigned To : Shelby, Robert J.

Assign. Date : 8/7/2018

Description: USA v. Wright

The United States Attorney alleges:

I. BACKGROUND

At all times relevant to this Information:

1. Defendant JAMES LINN WRIGHT ("WRIGHT") was a resident of Utah County, Utah.

2. Defendant WRIGHT owned and operated Energy Workers of America Healthcare LLC ("EWOAH"), a Utah limited liability company, beginning in and around 1997 and continuing to and around February 22, 2016.

3. In 2000, Congress enacted the Energy Employees Occupational Illness Compensation Program Act ("EEOICPA"), designed to compensate current and former employees (or their survivors) of the Department of Energy who were diagnosed with certain illnesses while employed at covered facilities. This compensation is paid to healthcare providers that provide

treatment and therapy to EEOICPA beneficiaries.

4. This EEOICPA program is a health care benefit program as defined by 18 U.S.C. § 24(b) and is managed and administered by the United States Department of Labor (“DOL”).

II. SCHEME AND ARTIFICE TO DEFRAUD

5. From around 2014 to around 2017, in the Central Division of the District of Utah,

JAMES LINN WRIGHT,

defendant herein, devised a scheme and artifice to defraud and to obtain money from the DOL by means of false and fraudulent pretenses, representations, and omissions of material fact, and attempted to do so. In execution of that scheme, defendant WRIGHT caused to be submitted from EWOAH to the DOL false and fraudulent insurance claims for physical therapy and treatment services not rendered, resulting in payments from the DOL to EWOAH under false and fraudulent pretenses. Claims submissions from EWOAH to the DOL involved interstate wire transmissions.

III. MANNER AND MEANS OF THE SCHEME AND ARTIFICE TO DEFRAUD

The scheme and artifice to defraud was executed in the following manner and through the following means:

6. It was part of the scheme and artifice to defraud that defendant WRIGHT had exclusive control over the substance of EWOAH claims submissions to the DOL, including the following information:

- Client name;
- Type of service; and
- Dates of service.

7. From around 2014 to around 2017, defendant WRIGHT caused to be submitted hundreds of false and fraudulent claims to the DOL involving approximately 10 clients, resulting

in total payments from the DOL to EWOAH exceeding \$740,000 under false and fraudulent pretenses.

Count 1
18 U.S.C. § 1347
(Health Care Fraud)

8. The allegations set forth above are incorporated herein by reference and realleged as though fully set forth herein.

9. On or about the dates alleged below, in furtherance and execution of the above scheme and artifice to defraud, defendant WRIGHT caused the following false and fraudulent claim submissions, among others, from EWOAH to the DOL:

Count	Date of Claim Submission (Client)	Date of Reported Service	Transaction Control Number	Description of Services Not Provided
1	08/24/2015 (H.K.S.)	08/03/2015	21523660001000013	Physical Therapy (Procedure Code S9131)

All in violation of 18 U.S.C. §§ 1347 and 2(b).

FORFEITURE ALLEGATION

18 U.S.C. § 982(a)(7)
(Criminal Forfeiture)

Pursuant to 18 U.S.C. § 982(a)(7), upon conviction of any offense in violation of 18 U.S.C. § 1347 (Health Care Fraud), as set forth in this Felony Information, the defendant shall forfeit to the United States of America all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the scheme to defraud. The property to be forfeited includes, but is not limited to, the following:

A money judgment equal to the value of any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the scheme to defraud.

Substitute Assets: If the property described above as being subject to forfeiture, as a result of any act or omission of defendant WRIGHT:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and/or 28 U.S.C. § 2461, to seek to forfeit any other property of defendant WRIGHT up to the value of the forfeitable property described above.

Dated this 7th day of August 2018.

JOHN W. HUBER
United States Attorney


JACOB J. STRAIN
Assistant United States Attorney